

BRYAN CAVE LLP

Robert A. Padway, California Bar No. 48439
Deborah A. Goldfarb, California Bar No. 241942
Nadia M. Bishop, California Bar No. 182995
Two Embarcadero Center, Suite 1410
San Francisco, CA 94111-3907
Telephone: (415) 675-3400
Facsimile: (415) 675-3434
E-Mail: robert.padway@bryancave.com
E-Mail: deborah.goldfarb@bryancave.com
E-Mail: nadia.bishop@bryancave.com

Attorneys for Defendant
BANK OF AMERICA, N.A., BAC HOME LOANS SERVICING, LP., RECONTRUST
COMPANY, N.A., AND PRLAP, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL A. HOWL,

Plaintiff,

v.

BANK OF AMERICA, N.A.; BAC HOME
LOANS SERVICING, LP; PRLAP, INC.;
RECONTRUST, N.A. and DOES 1-50,

Defendants.

Case No.: 4:11-CV-00887 CW

**JOINT STIPULATION TO
CONTINUE MOTION TO DISMISS
HEARING FROM JUNE 23, 2011 TO
JULY 28, 2011 AND REQUEST THAT
COURT CONTINUE CMC HEARING
TO JULY 28, 2011; AND ~~PROPOSED~~
ORDER**

[L.R. 6-2]

Complaint Filed: January 21, 2011
Trial Date: Not Assigned

BRYAN CAVE LLP
TWO EMBARCADERO CENTER, SUITE 1410
SAN FRANCISCO, CA 94111-3907

STIPULATION

Defendants Bank of America, N.A., BAC Home Loans Servicing, L.P., ReconTrust Company, N.A., and PRLAP, Inc. (“Defendants”) and Plaintiff Michael Howl (“Plaintiff”) by and through their counsel of record, hereby stipulate and agree as follows:

1. Plaintiff filed his Complaint on January 21, 2011;
2. Defendants removed the case to federal court on February 24, 2011;
3. Defendants filed a Motion to Dismiss Plaintiff’s Complaint on May 18, 2011, with a hearing date of June 23, 2011.
4. On May 25, 2011 Plaintiff contacted Defendants’ counsel and explained that he would be out of town on vacation until July 11, 2011 and requested another hearing date in “mid-July.” Based on Plaintiff’s preference and the Court’s calendar, the parties agreed to continue the Motion to Dismiss hearing to July 28, 2011.

5. Plaintiff also advised that he would be unable to attend the Case Management Conference on June 21, 2011. Therefore, the parties request that the court continue the Case Management Conference to July 28, 2011, concurrent with the Hearing on the Motion to Dismiss, in order to accommodate Plaintiff’s schedule.

6. Thus, Plaintiff and Defendants, by and through their undersigned counsel, stipulate and agree that the hearing of Defendants’ Motion to Dismiss is continued to July 28, 2011.

7. Plaintiff and Defendants respectfully request that this Court continue the Case Management Conference currently set for June 21, 2011 to July 28, 2011, or a date thereafter that is convenient for the court. Setting the Case Management Conference on or after July 28, 2011 will conserve the Court’s time and resources in the event that the matter is resolved at the Motion to Dismiss hearing.

8. The stipulated continuance of the Motion to Dismiss hearing will not result in prejudice to any party and its impact on judicial proceedings is not expected to be significant.

Nothing in this stipulation shall constitute a waiver of any arguments or defenses that Defendants or Plaintiff may wish to assert in their pleadings, all of which are expressly reserved.

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1 **IT IS SO STIPULATED.**

2 Dated: May 27, 2011

Pro Per Plaintiff
Michael A. Howl

3
4 By: /s/ Michael A. Howl
5 Michael A. Howl
6 Pro Per Plaintiff

7 Dated: May 27, 2011

BRYAN CAVE LLP
Deborah A. Goldfarb
Nadia M. Bishop

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10 By: /s/ Nadia M. Bishop
11 Nadia M. Bishop
12 Attorneys for Defendant
13 PRLAP, INC.
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15 **PROPOSED ORDER**

16 Having reviewed the above Stipulation of the Parties, and good cause appearing therefore,
17 IT IS ORDERED that the hearing on Defendants' Motion to Dismiss, previously set for June 23,
18 2011, and the Case Management Conference previously set for June 21, 2011 will both be
19 continued until July 28, 2011 at 2:00 ^{p.m.} ~~a.m.~~ in Courtroom 2.
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21 Dated: May 31, 2011



22 Hon. Judge Claudia Wilken
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